

1 District Court Judge James L. Robart
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA

NO. CR 19-117-JLR

8 v.

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10 **STIPULATED MOTION OF
JOSEPH WHEATLEY FOR
PERMISSION TO TESTIFY AT
TRIAL REMOTELY**

11 SHAWNA REID,

12 Defendant.

13 Noted for consideration on: July 1, 2021

14 Former Department of Justice attorney Joseph Wheatley hereby moves, on
15 stipulation of the parties, for the Court's permission to appear at Defendant Shawna
16 Reid's trial through remote means (telephonic or videographic), rather than in person.

17 On January 28, 2021, the Court granted Ms. Reid's Motion for Issuance of Trial
18 Subpoenas for Department of Justice Employees, ECF No. 77. On June 17, 2021,
19 undersigned counsel for Mr. Wheatley accepted service of a subpoena from counsel for
20 Ms. Reid directing Mr. Wheatley to appear at Ms. Reid's trial on the afternoon of July 13,
21 2021. Mr. Wheatley served as a Trial Attorney for the Department of Justice until May
22 28, 2021, and any testimony regarding his official duties for the Department is governed
23 by regulation. *See generally* 28 C.F.R. §§ 16.21-16.29; *see also* 28 C.F.R. § 16.21(a)
24 ([D]epartmental protocols governing disclosure in litigation extend to "any information
25 acquired by any person while such person was an employee of the Department as a part
26 of the performance of that person's official duties or because of that person's official
27 status[.]"); Jan. 28, 2021 Tr. at 15:25-16:3, ECF No. 87 (discussing Department of Justice

1 | *Touhy* regulations governing disclosure of official information). The Department has
2 | completed the *Touhy* process under those regulations to authorize Mr. Wheatley's
3 | testimony.

4 However, Mr. Wheatley resides in Maryland, and traveling across the country for
5 an in-person appearance would pose significant hardship for his family at the current
6 time.¹ Mr. Wheatley's wife recently underwent spinal fusion surgery, and is in the
7 process of recovering from the surgery. Her mobility is significantly restricted, and she
8 needs assistance caring for herself. She is unable to bend over or lift more than several
9 pounds, and is therefore unable to care for the couple's baby and toddler. Were Mr.
10 Wheatley required to travel to Seattle for the trial, the couple would need to arrange for
11 outside, overnight childcare, which would pose personal and financial hardship. For
12 these reasons, Mr. Wheatley respectfully seeks the Court's permission to make his
13 appearance at Ms. Reid's trial remotely. Government counsel stands ready to work with
14 the Court's information technology personnel to make such appearance as seamless as
15 possible.

16 The undersigned attorney has conferred with counsel for the prosecution and Ms.
17 Reid, and both stipulate to the relief sought herein.

Dated: July 1, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

ALEXANDER K. HAAS
Branch Director

JACQUELINE COLEMAN SNEAD

26 ¹ The defense has also issued a trial subpoena to current DOJ Criminal Chief David
27 Jaffe. The Department has also completed the *Touhy* process for Mr. Jaffe, who does not
 require this same accommodation.

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2021, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notifications to all parties of record.

/s/ *Serena Orloff*